

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

September 20, 2010 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 7:00 pm.

Commissioner Coltrain provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the September 7, 2010 Commission Meeting passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Coltrain moved to add a discussion regarding the lease settlement for county-owned property located at 110 West Innes street. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Ford added the issue as agenda item #8a.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the agenda passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Mitchell moved approval of the Consent Agenda. The motion was seconded by Commissioner Barber and passed unanimously.

The Consent Agenda consisted of the following:

Consider Approval of Consent Agenda:

- A. Rowan Public Library to Apply for the Following Grants - Margaret Woodson Foundation, Altrusa Club, and (3) Separate State Library of NC Grants
- B. Proclamation for Mental Illness Awareness Week

The Proclamation read as follows:

WHEREAS, serious mental illnesses such as major depression, bipolar disorder, schizophrenia, obsessive-compulsive disorder, severe anxiety disorders, borderline personality disorder, and post-traumatic stress disorders affect one in every four people annually;

WHEREAS, serious mental illnesses are more common than cancer, diabetes and heart disease and are the number one reason for hospital admissions nationwide;

WHEREAS, serious mental illnesses have been scientifically proven to be highly treatable illnesses of the brain;

WHEREAS, scientific research is producing tremendous breakthroughs in the understanding of mental illnesses, resulting in more effective treatments that allow people to reclaim full and productive lives,

WHEREAS, misunderstandings exist about many mental illnesses and our social culture often wrongly imposes stigma on them;

NOW, THEREFORE BE IT RESOLVED, the Rowan County Board of Commissioners, does hereby proclaim October 3-9, 2010 as Mental Illness Awareness Week in Rowan County to increase public awareness of mental illness.

- C. Authorize Chairman to Sign Proposed Letter in Support of Rowan and Cabarrus County NCSTEM Application
- D. Set Public Hearing for October 4, 2010 for CUP 05-10

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Ray Paradowski expressed appreciation to the Commissioners for agreeing to place the bond for Rowan Cabarrus Community College (RCCC) on the November ballot. Mr. Paradowski encouraged everyone to support the bond in November.
- Larry Wright discussed a recent article in the Salisbury Post regarding forced annexation and he asked citizens not to elect anyone to the county commission that agreed with forced annexation.
- Dr. Carol Spalding, President of RCCC, shared several positive items of support regarding the bond in November.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. PUBLIC HEARING FOR PROPOSED ADDRESS CHANGE FOR 6735 BEAVER ROAD

Planning Technician Fredda Greer said Staff received notice from the Telecommunications Department that the address of 6633 Beaver Rd was out of sequence with the Rowan County addressing scheme. Ms. Greer said because of the sequence problem and with the proximity to Cabarrus County, any calls from this address to E-911 goes into the Cabarrus County Emergency Department since the 6600 block of Beaver Rd is in the adjoining county. Rowan County's block range begins with the 6700 block.

Staff proposed to correct the situation by changing the address of the property to 6735 Beaver Rd.

Chairman Ford opened the public hearing to entertain citizen input regarding the proposed address change for 6735 Beaver Rd. With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the address change passed unanimously.

4. QUASI-JUDICIAL PUBLIC HEARING FOR PCUR 02-09

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for PCUR 02-09 to be in session. Chairman Ford said the hearing would focus on the property owned by Mr. Randy Beach at the intersection of Hader Street and Peach Orchard Lane. Mr. Beach requested that 1.56-acres of Tax Parcel 407A05601 be rezoned from Commercial Business, Industrial (CBI) to Industrial with an accompanying conditional use district to allow for the operation of a scrap-metal recycling center and that the approved site plan for PCUR 02-09 be amended to reflect this change.

The Clerk swore in those wishing to provide testimony in the case.

Planner Andy Goodall presented the Staff Report (Exhibit B). Mr. Goodall explained that when the applicant cleared the land, he cleared 1.56 acres beyond what was intended and he then purchased the additional 1.56 acres.

Mr. Goodall said Staff recommended approval of the request.

With no further testimony to be provided, Chairman Ford closed the public hearing.

Commissioner Mitchell moved to adopt the recommended Statement of Consistency as presented by the Planning Board. The motion was seconded by Commissioner Barber and passed unanimously.

The Statement of Consistency read as follows: The request is consistent with the industrial zoning already present in the area and is compatible with the Western Area Land Use Plan.

Commissioner Mitchell moved approval of PCUR 02-09. Commissioner Coltrain seconded and the motion passed unanimously.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: A Regular Commercial Driveway Permit (No. 09-038-RD) was approved by the North Carolina Department of Transportation on September 2, 2009 allowing access to Peach Orchard Lane for parcel 407A05601.

FACT: According to the ITE Trip Generation Manual (7th Edition), general light industrial facilities such as scrap-metal recycling centers generate an average of 51.8 daily trips per operational acre. Based on an operational footprint of two (2) acres, the proposed use would generate an average of 103.6 trips per day, which should have a minimal impact on the existing infrastructure.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: No evidence was provided that would indicate the proposal would substantially injure the value of adjoining properties.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: The proposed site is located within the US 29 commercial and industrial corridor described in the Western Area Land Use Plan.

FACT: According to the Western Area Land Use Plan, industrial uses are encouraged in this area of the county if they do not compromise existing commercial or residential uses. The site plan proposes the use of additional screening and buffering measures to incorporate the proposed industrial use (scrap-metal recycling) without adversely affecting the surrounding area.

FACT: IND districts are typically located in areas that have access to major highways, rail lines and other significant transportation systems. The parcel is located in an area that is comprised of a mix of commercial, industrial and residential uses and has access to US 29 (0.28 miles), I-85 (1.2 miles) and the railroad (adjacent).

Commissioner Mitchell moved approval of PCUR 02-09 with the recommended Staff requirements. The motion was seconded by Commissioner Barber and passed unanimously.

5. QUASI-JUDICIAL PUBLIC HEARING FOR CUP 04-10

Chairman Ford read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 04-10 to be in session. Chairman Ford said the hearing would focus on an application submitted by Richard L. Shulenburger for the property located along the 900 block of Grace Church Road, Salisbury, NC. The purpose of the request is to allow the subdivision of 2.5-acres of Rowan County Tax Parcel 447 047 for a single-family residence. The parcel is zoned Commercial, Business, Industrial (CBI). As per Section 21-113 of the Rowan County Zoning Ordinance, an approved conditional use permit (CUP) is required for all subdivisions in the CBI district.

The Clerk swore in those wishing to provide testimony in the case.

Planner Andy Goodall presented the Staff Report (Exhibit B) and explained that Section 21-113 of the Rowan County Zoning Ordinance states that an approved conditional-use permit is required for all subdivisions in the CBI district in order to allow the Board of Commissioners to review and ensure that subdivisions for residential development are not obtrusive to commercial and light industrial development in the district.

Planner Andy Goodall said Staff recommended approval of the request.

With no further testimony to be provided, Chairman Ford closed the public hearing.

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Sufficient road frontage (478') along Grace Church Road (SR 1503) exists for the proposed and residual tracts to comply with the standards set forth in the zoning ordinance.

FACT: According to the North Carolina Department of Transportation (2008), the volume to capacity ratio for this section of Grace Church Road was .42 (3,600 daily trips with a capacity of 8,500). Any future development of the newly created lot (2.5-acres) should not significantly impact the existing capacity of Grace Church Road.

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: No evidence was provided that would indicate the proposal would substantially injure the value of adjoining properties.

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the following Finding of Fact (Exhibit C) passed unanimously.

That the location and character of the development in accordance with proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

FACT: The parcel is currently zoned CBI, allowing for multiple residential and non-residential uses by right, which would not detract from the surroundings.

FACT: The surrounding area has a mix of uses that transition from more intense industrial uses near US 29 to less intense residential uses near Bernhardt Road (SR 1512) and Shue Road (SR 1506).

Commissioner Barber moved approval of CUP 04-10. The motion was seconded by Commissioner Mitchell and passed unanimously.

6. PUBLIC HEARING FOR ZTA 01-10

Planner Andy Goodall presented the below zoning text amendments and explained that existing text in the ordinance proposed to be removed appeared as ~~(strikethroughs)~~ and proposed text appeared as ***bold italic***. Mr. Goodall said staff, Committee A, and the Planning Board had reviewed the text and recommended approval.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed text amendments. With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell moved approval of ZTA 01-10. The motion was seconded by Commissioner Hall.

Commissioner Coltrain said he felt the proposed changes were unnecessary and created another layer of bureaucracy a citizen must go through for a final decision. Commissioner Coltrain said the Planning Board should be allowed to make the decisions to avoid possibly creating delays and additional costs for the citizens. Commissioner Coltrain was specifically referring to the proposed changes in Section 21-58 and Section 21-62.

Commissioner Barber referred to Section 21-58 and asked how many issues had actually come before the Commissioners in the last several years and Mr. Goodall said he could not recall any.

In response to a query from Commissioner Barber, Mr. Goodall said an appeal of the Planning Board's decision would be heard by the Commissioners.

Commissioner Mitchell asked if the current procedure would change. Mr. Goodall said current procedure does not allow the issue to be brought back within twelve (12) months.

Commissioner Barber asked for clarification as to when the matter could be brought back and Mr. Goodall said it would be at the Planning Director's discretion whether the issue warranted being brought back so soon.

Commissioner Mitchell said he had no problem supporting the Planning Board's recommendation. Commissioner Mitchell said if the process became a problem, the Board could go back to the Committee's recommendation.

County Attorney Jay Dees said the first stop was for the Board to adopt the Statement of Consistency.

At Commissioner Mitchell's request, Chairman Ford ruled the motion on the floor out of order.

Commissioner Mitchell moved approval of the Statement of Consistency. The motion was seconded by Commissioner Barber and passed unanimously.

The Statement of Consistency read as follows:

The amendments to the zoning ordinance would bring consistency among county policies.

Commissioner Mitchell moved approval of ZTA 01-10. The motion was seconded by Commissioner Barber and passed 4-1 with Commissioner Coltrain dissenting.

The text amendments were as follows:

Section 21-4. Definitions.

Buffer ~~((also buffer, vegetative))~~ means an area of natural or planted vegetation through which storm-water runoff flow is diffused in a manner so that runoff does not become channelized and provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Courtesy hearing means a public hearing that provides an opportunity for the public to express their views and opinions on an agenda item under consideration by the Planning Board.

Zoning permit means a permit issued by the zoning administrator, which authorizes the recipient to make use of property in accordance with the requirements of this chapter. **A zoning permit has a vested right of one (1) year from date of issuance.**

Section 21-58. Review procedures.

(b) Conditional use review. Upon receiving a complete application as determined by the ~~(county planner)~~ **planning director**, the planning department shall review the application and submit recommendations to the board of commissioners.

(f) (3) Timing of amendment proposal. No proposal to change or amend any conditional use permit shall be considered within one (1) year after date of original authorization of such permit or within one (1) year after hearing of any previous proposal to amend or change any such permit, **unless deemed appropriate by the planning director. The applicant may appeal the decision of the planning director to the planning board. An unfavorable decision by the planning board may be appealed to the board of commissioners. The planning board will make a recommendation for the board of commissioner's consideration.**

Section 21-60. Conditional use requirements for specific uses.

(3) a. 1. Two (2) copies of a site plan prepared by a registered professional engineer or a professional land surveyor as provided in section 21-52 including items in subsection c.1.i., ii., and subsection ~~(i-)~~ **b.5.**

Consideration of co-location requests that include a one-time tower height extension not to exceed twenty (20) feet may be approved administratively, regardless of height limitations prescribed in subsection (e), provided information from subsections (b) 1-9 [except photographs and simulated image]; (c) 1.i. and ii.; (f); & (h) are submitted.

(3) e. 1. Rural agricultural (RA) district. Monopole not to exceed one hundred fifty (150) feet based on five (5) co-located antenna arrays ~~(and ambient tree height of eighty (80) feet).~~

(3) e. 2. Commercial, business, industrial (CBI), ~~I(i)~~ndustrial (IND), 85-ED-1, 85-ED-2, 85-ED-3, and 85-ED-4. Monopole or lattice tower not to exceed one hundred ninety-nine (199) feet based on six (6) co-located antenna arrays.

(3) j. Obstruction lighting and marking. Only those telecommunications towers located within the county's airport zone overlay may exhibit obstruction lighting and marking in accordance with the Federal Aviation Administration standards. All other towers shall be of galvanized finish, or painted with rust protective paint of an appropriate color to harmonize with the surroundings as approved by the board of commissioners. Requirements of this subsection may be **(modifies)** **modified** by the board of commissioners based upon an increase in tower height or location in another jurisdiction's regulated air space or in the interest of public safety.

(4) Electric, gas and water services (SIC 491, 492, 493, **494**) sewerage systems (SIC 495), dumps, sanitary land fills, rubbish collection and disposals.

Section 21-62. Effect of approval for conditional districts and parallel conditional use districts.

(d) (3) No proposal to change or alter an approved parallel conditional use district rezoning or site plan shall be considered within one (1) year after date of original authorization or within one (1) year after hearing of any previous proposal to change or alter any such rezoning or site plan, unless deemed appropriate by the planning director. The applicant may appeal the decision of the planning director to the planning board. An unfavorable decision by the planning board may be appealed to the board of commissioners. The planning board will make a recommendation for the board of commissioner's consideration.

Section 21-81. Dimensional requirements; general.

Requirements for lot area, ~~(lot)~~ width, **depth** and frontage, front, side and rear yard ~~(, and maximum height structures,)~~ shall be provided in section 21-84, unless otherwise provided.

Section 21-113. Table of Uses

P- Permitted by Right										
P(A) - Permitted as Accessory Use										
SR - Permitted with Special Requirements										
C- Conditional Use	Zoning Districts									
Use	Residential					Nonresidential				
	RA	RR	RS	MHP	MFR	CBI			NB	INST
Manufacturing										
23	Apparel & other finished products made from fabrics & similar material	SR					(i)	P	SR	P
Unclassified										
	Residential Storage Facility	C	C	C			C			

Section (13) 21-140. Projections into required setbacks.

(a) Projection of porches into yards. Porches, terraces, steps and similar features⁽¹⁾

with a floor level of not more than (5) five feet above the highest adjacent grade, may project eight (8) feet into the required setback, but in no case shall be closer than five (5) feet to the adjacent side or rear property line or ten (10) feet⁽²⁾ to the right-of-way.

Section 21-181. Applicability.

All on premise **signs of any size** and off premise signs one hundred (100) square feet and smaller, are exempt from the regulations in this article unless expressly provided otherwise.

Section 21-244. Junked motor vehicles.

(2) a. In addition to the five (5) junked motor vehicles allowed outside any enclosed building in subsection (1)e. (i.e.), five (5) additional classic motor vehicles, which meet the definition of a junked motor vehicle, shall be allowed in the RA district. Storage of these vehicles shall meet all other requirements of this chapter.

Section 21-272. Issuance of building permits.

It is illegal for any person to begin construction, reconstruction, or to make any structural repairs, alterations, or additions to any structure without obtaining

required building permits from the ~~(codes enforcement division, county environmental services)~~ **Building Code Enforcement** department.

Section 21-273. Type and number of uses permitted in all zones.

(2) *Secondary ~~(and accessory)~~ dwelling units.* Detached secondary units **excluding two or more mobile homes** are permitted provided the entire zone lot contains adequate area to meet the zone lot size requirements for each dwelling and all other requirements of this section are met.

(3) *Subdivision requirements.* Issuance of a zoning permit for multiple single-family dwellings or duplexes ~~(not)~~ in a **zoning** district **where (allowing)** multifamily development **is not (as)** a permitted use on an individual lot shall **(require) meet the minimum requirements of a minor subdivision (adequate lot configurations and access)** to allow ~~(subdivision of)~~ the parcel **to be subdivided** into conforming individual lots for each dwelling, **while not requiring an approved and recorded subdivision plat.**

Section 21-315. Hearing procedures for zoning map and text amendments, conditional use permits and variances and interpretations.

(1) *Public notice.* Except as provided in Section 21-136, the following public notice requirements shall apply to all public hearings required by this chapter **and with the exception of subsection a. shall apply to all courtesy hearings.**

(3) *Conduct of hearing.* Public/**courtesy** hearings shall be conducted as follows:

(4) *Action.* Once a public/**courtesy** hearing is closed, the appropriate decision-making body shall take some form of action during the same meeting.

(6) *Omissions.* The unintentional failure to give written notice or the unintentional omission of the name of a property owner shall not invalidate the action of the planning ~~(and zoning)~~ board or board of commissioners.

Section 21-333. Variances from setback requirements.

When a proposed use for ~~(an undeveloped)~~ **a** lot, existing at the effective date of the ordinance, is one that could conform in all respects other than the applicable setback requirements, the ZBA may allow deviations from the setback if it can be found that:

7. PUBLIC HEARING FOR REQUEST FROM CRANE COVE HOMEOWNERS ASSOCIATION FOR TWO (2) NO WAKE ZONES

Chairman Ford opened the public hearing to entertain citizen input regarding the request from Crane Cove Homeowners Association for establishment of two (2) no wake zones.

With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell moved approval to send the request to the North Carolina Wildlife Resources Commission. The motion was seconded by Commissioner Barber and passed unanimously.

8. PUBLIC HEARING FOR COMMUNITY COLLEGE BONDS

Chairman Ford introduced Finance Director Leslie Heidrick, who reported that the Bond Order entitled "Bond Order Authorizing the Issuance of \$12,000,000 Community College Bonds of the County of Rowan", was introduced at the Board's last meeting on September 7, 2010. Ms. Heidrick said the Bond Order notice was published in the Salisbury Post, which was considered to be a qualified newspaper, on September 10, 2010.

Ms. Heidrick said the Bond Order provided notice that the Board would hold a public hearing on September 20, 2010. Ms. Heidrick also reported that a Statement of Debt had been filed in the Clerk's office. Ms. Heidrick said the Statement of Debt complied with the provisions of the Local Government Bond Act and showed the net indebtedness of the County to be 0.83% of the assessed valuation of property in Rowan County subject to taxation.

Ms. Heidrick requested that the Board conduct a public hearing at this time for the Community College Bond Order and that afterwards, the Board consider adoption of the resolution titled "Resolution Regarding Bond Order Adoption and Call for Bond Election".

Chairman Ford explained that due to the nature of the issue being discussed, a motion, a second and a vote were necessary in order to conduct the public hearing.

Commissioner Coltrain moved that the Board conduct a public hearing. The motion was seconded by Commissioner Barber and was unanimously adopted.

Chairman Ford declared the public hearing to be in session at 7:33 p.m. and said anyone who wished to be heard on the question of the validity of the Community College bond order and the advisability of issuing the bonds could address the Board after Ms. Heidrick read the bond order and the published notice of the hearing.

Commissioner Mitchell moved to close the public hearing. The motion was seconded by Commissioner Barber and passed unanimously.

Ms. Heidrick then read the notice of public hearing.

Chairman Ford noted that the manner in which the public hearing was being conducted was different than the normal procedure for the Board. Chairman Ford said Ms. Heidrick had read said bond order and the published notice of

hearing. Chairman Ford stated the public hearing would be now be held correctly.

Commissioner Mitchell moved to re-open the public hearing. The motion was seconded by Commissioner Barber and passed unanimously.

Chairman Ford declared the public hearing re-opened at 7:38 p.m. for anyone wishing to speak for or against the bond.

With no one wishing to address the Board, Commissioner Mitchell moved to close the public hearing. Commissioner Barber seconded and the motion carried unanimously.

Commissioner Mitchell moved that the Board approve the "Bond Order Authorizing the Issuance of \$12,000,000 Community College Bonds of the County of Rowan". The motion was seconded by Commissioner Barber and was adopted unanimously.

Commissioner Mitchell moved approval of the Resolution Regarding Bond Order Adoption and Call for Bond Election. The Resolution was presented as follows:

**RESOLUTION REGARDING BOND ORDER ADOPTION
AND CALL FOR BOND ELECTION**

WHEREAS, the Board of Commissioners of Rowan County has adopted the bond order hereinafter described authorizing the issuance of \$12,000,000 Community College Bonds, and such bond order and the indebtedness to be incurred by the issuance of such bonds and the tax to be levied for the payment of such bonds should be submitted to the voters of Rowan County for their approval or disapproval in order to comply with the Constitution and laws of North Carolina; NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Rowan County, as follows:

(1) The question whether the qualified voters of Rowan County shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the bonds of the County authorized by said bond order, which indebtedness shall be secured by a pledge of the County's faith and credit, (b) the levy of a tax for the payment thereof, and (c) said bond order shall be submitted to the qualified voters of said County at an election to be held in said County on November 2, 2010.

(2) The Clerk to the Board of Commissioners is hereby authorized and directed to publish a notice of election which shall be in substantially the following form:

ROWAN COUNTY, NORTH CAROLINA
NOTICE OF BOND ELECTION

NOTICE IS HEREBY GIVEN that a bond election will be held in Rowan County, North Carolina, on November 2, 2010, for the purpose of submitting to the qualified voters of said County the question whether they shall approve or disapprove (1) the indebtedness to be incurred by the issuance of bonds of said County of the maximum principal amount of \$12,000,000, which indebtedness shall be secured by a pledge of the County's faith and credit, and (2) the levy of a tax for the payment of such bonds, and (3) the bond order entitled, "BOND ORDER AUTHORIZING THE ISSUANCE OF \$12,000,000 COMMUNITY COLLEGE BONDS OF THE COUNTY OF ROWAN," adopted by the Board of Commissioners to authorize the issuance of said bonds and the levy of such tax.

The \$12,000,000 Community College Bonds are authorized to pay capital costs of providing facilities within the County for the Rowan-Cabarrus Community College, including the construction of walkways, stairways and elevators to promote campus accessibility and safety, the construction and

renovation of buildings for classrooms, laboratories, utilities and office space, the relocation, expansion and improvement of fire training grounds, and the acquisition of land or rights-in-land required therefor.

The ballots to be used at said election shall contain the words, "SHALL the order authorizing \$12,000,000 of bonds secured by a pledge of the faith and credit of the County of Rowan to pay capital costs of providing facilities within the County for the Rowan-Cabarrus Community College, including the construction of walkways, stairways and elevators to promote campus accessibility and safety, the construction and renovation of buildings for classrooms, laboratories, utilities and office space, the relocation, expansion and improvement of fire training grounds, and the acquisition of land or rights-in-land required therefor, and a tax to be levied for the payment thereof, be approved?" with ovals labeled "YES" and "NO" beneath or beside such words in which ovals the voter may record his choice.

In the event a majority of the qualified voters voting at said election vote to approve the order, the incurring of indebtedness and the levy of a tax related thereto, said bonds authorized thereby shall be issued and taxes shall be levied for the payment of such bonds.

The polls for the election will open at the hour of 6:30 o'clock, A.M. and will close at the hour of 7:30 o'clock, P.M. The precincts and polling places for the election will be as follows: Precinct

<u>No.</u>	<u>Precinct</u>	<u>Polling Place</u>
1	Barnhardt Mill	West Park Baptist Church 715 W. Park Drive, Rockwell
2	Blackwelder Park	Blackwelder Park Baptist Church – Choir Room 2204 Summit Avenue, Kannapolis
3	Bostian Crossroads	Bostian Heights Fire Department 8299 Old Concord Road, Salisbury
4	Bradshaw	Atwell Township Fire Department 5900 W. NC Hwy 152, China Grove
5	North China Grove	China Grove Middle School – Library 1013 N. Main Street, China Grove
6	South China Grove	China Grove Community Building 412 S. Myrtle Avenue, China Grove
<u>Precinct No.</u>	<u>Precinct</u>	<u>Polling Place</u>
7	Cleveland	Cleveland Town Hall 302 E. Main Street, Cleveland
8	South Locke	Locke Township Fire Department 5405 Mooresville Road, Salisbury
9	East Enochville	Enochville Fire Department
10	Faith	Faith American Legion Building 1015 Gantt Street, Faith
11	Franklin	Shoaf's Wagon Wheel 6430 US Hwy 601, Salisbury
12	Milford Hills County	West Rowan Middle School – Media Center 5925 Statesville Blvd., Salisbury
13	Rock Grove	Rock Grove United Methodist Church – Fellowship Bldg. 1000 Rock Grove Church Road, Salisbury

14	North Granite Quarry	Granite Quarry Municipal Building
15	Hatters Shop	Union Fire Department 1470 Union Church Road, Salisbury
16	West Kannapolis	St. John's United Church of Christ – Fellowship Building 901 N. Main Street, Kannapolis
17	East Kannapolis	Jackson Park Elementary School – Multi-Purpose Room 1400 Jackson Street, Kannapolis
18	East Spencer	East Spencer Municipal Building 206 N. Long Street, East Spencer
19	West Landis	Corriher Lipe Middle School – Gym 214 W. Rice Street, Landis
20	East Landis	American Legion Building 412 N. Central Avenue, Landis
21	North Locke	Salem Lutheran Church – Fellowship Building 5080 Sherrills Ford Road, Salisbury
22	Morgan I	Pooletown Fire Department 255 Richfield Road, Richfield
Precinct No.	Precinct	Polling Place
23	Morgan II	Morgan Elementary School – Library 3860 Liberty Road, Gold Hill
24	Mt. Ulla	Mt. Ulla Station – West Rowan Fire Department 781 Grampian Road, Mt. Ulla
25	Rockwell	Rockwell Elementary School – Cafeteria 114 Link Street, Rockwell
26	Gold Knob	East Rowan High School – Library 175 St. Lukes Church Road, Salisbury (Parking for Library is off Hwy 52.)
27	Scotch Irish	Scotch Irish Fire Department 3220 Needmore Road, Woodleaf
28	Spencer	North Rowan High School – Lobby 300 N. Whitehead Avenue, Spencer
29	Steele	West Rowan High School – Auditorium 8050 NC Hwy 801, Mt. Ulla
30	Sumner	Rowan County Agriculture Building – Auditorium 2727 Old Concord Road, Salisbury
31	Trading Ford	Miller Ferry Fire Department 2650 Long Ferry Road, Salisbury
32	Unity	Woodleaf Community Building 9015 Cool Springs Road, Woodleaf
33	Bostian School	Bostian Elementary School 4245 Old Beatty Ford Road, China Grove

34	West Ward II	Fire Station #2 2312 S. Main Street, Salisbury
35	West Ward I	Rowan Public Library – Main Branch – Hurley Room 201 W. Fisher Street, Salisbury
36	South Ward	Salisbury Civic Center 315 S. Martin Luther King, Jr. Avenue, Salisbury
38	East Ward	Park Avenue Community Center – Training Room 632 Park Avenue, Salisbury
39	West Innes	Knox Middle School – Gym 1625 Park Road W., Salisbury
Precinct No.	Precinct	Polling Place
40	North Ward	City Park Recreational Building 316 Lake Drive, Salisbury
41	Milford Hills City	Isenberg Elementary School – Gym 2800 Jake Alexander Blvd., Salisbury
42	West Ward III	Miller Recreation Center 1402 W. Bank Street, Salisbury
44	West Enochville	Enochville Elementary School – Gym 925 N. Enochville Avenue, China Grove
45	Ellis	Ellis Park 3541 Old Mocksville Road, Salisbury
46	South Granite Quarry	Granite Quarry Elementary School – Gym 118 S. Walnut Street, Granite Quarry

The registration records for said election will be kept open at the office of the Rowan County Board of Elections, 130 W. Innes Street, in Salisbury, from 8:00 o'clock A.M., until 5:00 o'clock, P.M., each weekday, through October 8, 2010. The telephone number for the Board of Elections is: (704) 216-8140.

Application forms for voter registration may be obtained during regular business hours at the Rowan County Board of Elections at the address indicated above; at the Main Branch of the public library, 201 W. Fisher Street, Salisbury; at the East Branch of the public library, 110 Broad Street, Rockwell; and at the South Branch of the public library, 920 Kimball Road, China Grove. Voters may also download a form to register to vote or make a change to a voter's current registration from the North Carolina State Board of Elections website. For further information regarding one-stop absentee voting, please contact the Rowan County Board of Elections, 130 W. Innes Street, in Salisbury. The telephone number for the Board of Elections is: (704) 216-8140.

Voters may submit completed application forms to the Board of Elections in person or by mail. The last day of registration for the election shall be October 8, 2010. In order to be valid for the bond election the completed form, if mailed, must be postmarked by October 8, 2010.

Absentee ballots will be available for voting at said election. Information concerning the time and manner for applying for an absentee ballot, including the last day for making such application, can be obtained from the Rowan County Board of Elections at the Board's office at 130 W. Innes Street, in Salisbury, North Carolina.

By order of the Board of Commissioners of Rowan County.

Carolyn Athey, CMC, NCCCC
Clerk to the Board of Commissioners
County of Rowan, North Carolina

Said notice of special election shall be published at least twice. The first publication shall be not less than 14 days and the second publication not less than seven days before the last day on which voters may register for the special election.

(3) The Rowan County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said election and to conduct and to supervise said election.

(4) The Clerk to the Board of Commissioners shall mail or deliver a certified copy of this resolution to the Rowan County Board of Elections within three days after the resolution is adopted.

Commissioner Barber seconded the motion and the motion was adopted unanimously.

Before moving to the next item of business, Commissioner Barber recognized the Leadership Rowan class in the audience. Commissioner Barber thanked those in attendance and expressed hope that some of the members might choose to pursue further leadership roles in the community.

ADDITION

8a. DISCUSSION REGARDING THE LEASE SETTLEMENT FOR COUNTY-OWNED PROPERTY LOCATED AT 110 WEST INNES STREET

County Attorney Jay Dees provided the Board with a copy of the proposed lease settlement for county-owned property located at 110 West Innes Street, Salisbury, NC.

Mr. Dees said the Board had discussed a proposed settlement on September 7, 2010. Mr. Dees said he felt the proposal from the United States Postal Service (USPS) was fair. Mr. Dees said the USPS was willing to settle and resolve for the early termination of the lease. Mr. Dees said the USPS was willing to pay for six (6) months of the final year of the lease, which was \$7,050 (one-half of the annual lease rate). Mr. Dees said approval of the settlement would enable the County to sell the property unencumbered.

Commissioner Mitchell inquired as to the minimum upset bid amount for the property. Mr. Dees said the amount was \$52,595 and the deadline for upset bids was September 27, 2010.

Commissioner Mitchell moved approval of the lease. The motion was seconded by Commissioner Coltrain.

In response to a query from Commissioner Hall, Mr. Dees discussed the current offer to purchase the building and said all factors were considered and that he felt the lease settlement was reasonable.

Upon being put to a vote, the motion on the floor passed unanimously.

9. CONSIDER APPROVAL OF LEASE EXTENSION WITH ROWAN COUNTY FAIR ASSOCIATION

Attorney Ashley Andrews said she was present to represent the Rowan County Fair Association (RCFA). Ms. Andrews said the RCFA was requesting to have the existing lease renewed and extended to a four-year lease term. Ms. Andrews said the RCFA was also requesting to amend the lease to allow for a \$20,000 installment for the forthcoming year, as opposed to paying \$60,000 up front as stated in the current lease.

Commissioner Mitchell inquired as to the rationale behind the request for a four-year lease. Attorney Doug Smith, also representing the RCFA, said the carnival leases had to be signed in advance and the four-year term was in respect to the obligation with the carnival owner.

Commissioner Mitchell referred to Section 8 of the current lease and asked if criminal background checks were being performed and Ms. Andrews said yes.

Commissioner Barber said the County was celebrating the fair's 59th anniversary this week. Commissioner Barber said hosting the fair required a year-round effort by many volunteers and that everyone should be appreciative to those volunteers. Commissioner Barber praised those involved for their efforts to preserve the rural community.

Commissioner Barber said at one point the RCFA was responsible for booking all events held at the fairgrounds property. Commissioner Barber questioned Finance Director Leslie Heidrick regarding expenditures and revenues since the County had assigned the Convention and Visitors Bureau (CVB) the task of booking the events approximately three (3) years ago. Ms. Heidrick responded that in fiscal years 2008, 2009 and 2010, the expenditures exceeded the revenues by \$78,036. Ms. Heidrick stated that \$97,131 was spent on repairs and maintenance, and approximately \$10,000 was spent on capital equipment. Ms. Hedrick said if repairs and maintenance were deducted, the revenues would have exceeded regular operating expenses by \$19,000.

Commissioner Barber said many improvements had been made that were needed and the RCFA had helped to cover costs the County would have otherwise had to pay for.

Commissioner Coltrain said there was no doubt as to the value of the fair to the citizens. Commissioner Coltrain said a dollar figure could not be placed on the

enjoyment citizens received from attending the fair. Commissioner Coltrain expressed appreciation to the volunteers of the RCFA. Commissioner Coltrain asked how the Board could say no to a request from the RCFA to provide this type of event for the citizens.

Commissioner Hall referred to the information distributed prior to the meeting and said she only had a brief amount of time to review the material. Commissioner Hall discussed the existing lease and it would be helpful to know up front what improvements were being made and that the improvements should be presented for approval.

Commissioner Hall said she would be amenable to a three-year lease and that she supported the \$20,000 installment payments. Commissioner Hall said she put the support in the form of a motion. Commissioner Barber seconded the motion.

Commissioner Barber reminded the Board that the RCFA had asked the Commissioners last October to take action on the lease. Commissioner Barber felt the lease extension should have been discussed and resolved “a long time ago”.

Commissioner Mitchell said the County should work towards a renewal before September of 2012, which would leave one (1) year on the lease to get something in place for the carnival owner.

Commissioner Barber concurred with Commissioner Mitchell and said he would like for the new Board in December to find a permanent location for the Rowan County Fair.

Commissioner Hall said the RCFA should communicate with the County Manager regarding any improvements to be made. Commissioner Hall said any changes to the lease should also be communicated with the County Manager.

Upon being put to a vote, the motion on the floor passed unanimously.

10. FINAL CONSIDERATION OF ADOPTION OF CODE OF ETHICS

Chairman Ford said the Code of Ethics (Code) was adopted by the Board during regular session on September 7, 2010; however, he noted the Board needed to clarify its' reference for the text options in paragraphs 2 and 3 on page 7 of the Code.

Commissioner Mitchell moved to accept the proposal with the phrase stating “and shall be allowed to vote” (paragraph 2) and the non-binding resolution of censure is approved by a “majority vote” (paragraph 3). The motion was seconded by Commissioner Barber.

Upon being put to a vote, the motion on the floor passed unanimously.

11. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Finance – To budget the Homeland Security Grant for training - \$2,971
- Health – To increase Teen Tobacco Grant \$180 and move funds to appropriate accounts according to NC Health and Wellness Trust Fund for FY 2010-11 - \$820
- Finance – Budget Medicaid Transportation in the County's transportation budget - \$600,000
- Senior Services – Budget Additional Title V Grant revenues and expenditures and to budget additional Caregiver Grant revenues and expenditures - \$63,652
- Sheriff – Recognize grant funds from National Association of Drug Diversion Investigations, Inc. and appropriate to proper expense account - \$5,000
- Social Services – Revise revenues and expenditures for DSS programs - \$32,065
- Finance – Budget fiscal year 2011 HOME Grant - \$199,791

Commissioner Barber moved approval of the budget amendments as presented. The motion was seconded by Commissioner Coltrain and passed unanimously.

12. COUNTY MANAGER'S MONTHLY ACTIVITY REPORT TO THE BOARD

Commissioner Mitchell moved to accept the County Manager's monthly activity report to the Board. The motion was seconded by Commissioner Barber

Chairman Ford questioned the progress with the damaged brick wall at the courthouse. County Manager Gary Page said the contractor had agreed to perform the repairs to the brick wall at a cost plus ten percent arrangement. Mr. Page said the monies would have to be paid from Fund Balance.

Chairman Ford mentioned problems with leaks at the Health and Social Services building. Mr. Page explained that for every pay request, the County held a 5% retainage for all problems. Mr. Page said a list would be prepared of the problems needing to be fixed. Mr. Page said if the problems were corrected, the County would release the 5% and if not, the County would make the repairs and keep the 5%.

In response to a query from Commissioner Hall, Mr. Page provided the Board with an update regarding completion of the jail pod.

Upon being put to a vote, the motion on the floor passed unanimously.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 8:09 pm. The motion was seconded by Commissioner Coltrain and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager